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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,133	06/14/2001	Nicholas T. Hariton	152853-0009	8097
7590	05/04/2006		EXAMINER	
IRELL & MANELLA LLP Suite 900 1800 Avenue of the Stars Los Angeles, CA 90067			KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/881,133	HARITON, NICHOLAS T.	
	Examiner Peng Ke	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,6,8,38,43,45,53,71,74-76,95 and 97 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,6,8,38,43,45,53,71,74-76,95 and 97 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 2/10/06.

This action is made Final.

Claims 1, 6, 8, 38, 43, 45, 53, 71, 74-76, 95, and 97 are pending in this application.

Claims 1, 38, 71, and 95 are independent claims. In the amendment filed in 2/10/06, 1, 6, 8, 38, 43, 45, 53, 71, 74-76, 95, and 97 were amended.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 8, 38, 43, 45, 53, 71, 74-76, 84, 87-89 and 95, 97-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Plantz et al., U.S. Patent No. 6,088,702 in view of Dabney US Paten 6,643,663 further in view of Tanenbaum U.S Patent No. 5,245,533.

As per claim 1, Plantz et al. ("Plantz") teaches a method for preparing a presentation, comprising:

connecting a plurality of geographically dispersed contributors to a single controller through a network to collaborate to prepare the presentation (see Plantz, column 4, lines 64 – column 5, lines 4);

allowing the contributors to propose contributions to the presentation, the proposed contributions residing on storage devices under the control of the contributors (see Plantz,

column 7, lines 52 – 55; it is inherent that the proposed contributions reside on the contributor storage devices because they are uploaded from the user's computer to the GPS);

However Plantz fails to teach the controller managing the preparation of the presentation by selectively including one or more but not all of the proposed contributions in the presentation.

Dabney teaches making the proposed contributions available for concurrent viewing, editing and comment by the contributors; (figure 1, column 5, lines 23-62) and

The controller managing the preparation of the presentation by selectively including one or more but not all of the proposed contributions in the presentation. (see Dabney, figure 1, column 5, lines 23-62)

It would have been obvious to an artisan at the time of the invention to include Dabney's teaching with method of Plantz to the manager to catch any last minute error.

However they both fails to teach making the proposed contributions available for concurrent viewing, editing and comment by the contributors; and

Tanenbaum teaches making the proposed contributions available for concurrent viewing, editing and comment by the contributors. (see Tanenbaum, column 2, lines 25-column 3, lines 14)

It would have been obvious to an artisan at the time of the invention to include Tanenbaum's teaching with method of Plantz and Dabney to provide users with the ability to synchronize their work in real-time.

Claims 2-5 are cancelled.

As per claim 6, which is dependent on claim 1, Plantz, Dabney, and Tanenbaum teaches

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the method of claim 1 (see rejection above). Tanenbaum further teaches managing the preparation of the presentation further comprises: making instruction from the contributors preparing the presentation visible to the controller over the network. (see Tanenbaum column 2, lines 25-column 3, lines 14)

Dabney further teaches the use by the controller in selecting the one or more but not all of the proposed contribution to be included in the presentation. (see Dabney, figure 1, column 5, lines 23-62)

Claim 7 is cancelled.

As per claim 8, which is dependent on claim 1, Plantz, Dabney and Tanenbaum teach the method of claim 1 (see rejection above). Dabney further teaches display the prepared presentation to third parties by retrieving at least one portion of the presentation through the network included with a proposed contribution. (see Dabney, figure 1, column 5, lines 23-62; Manager is a third party.)

Claims 9-37 are cancelled.

With respect to claim 38, it is similar in scope to the combination of claims 1 and 8 (see rejection above) with an additional claimed controller terminal for connecting through a network to a plurality of geographically dispersed contributor terminals to allow contributors to collaborate to prepare the presentation and a controller storage device connected to the controller terminal for storing the presentation and one or more of the selected contributions.

Plantz teaches controller terminal for connecting through a network to a plurality of geographically dispersed contributor terminals to allow contributors to collaborate to prepare the

presentation (see Plantz, column 4, lines 64 – 4; it is inherent that all users, including the controller are connected through terminals), and

the method of claim 1 and further teaches a controller storage device connected to the controller terminal for storing the presentation and one or more of the selected contributions (see Plantz, column 6, lines 47 – 53).

Dabney teaches managing the preparation of the presentation by including one or more of the proposed contributions, selected by the controller in the presentation. see Dabney, figure 1, column 5, lines 23-62)

It would have been obvious to an artisan at the time of the invention to include Dabney's teaching with method of Plantz to the manager to catch any last minute error.

However Plantz and Dabney fail to teach making the proposed contributions available for concurrent viewing, editing and comment by the contributors; and

Tanenbaum teaches making the proposed contributions available for concurrent viewing, editing and comment by the contributors; (see Tanenbaum column 2, lines 25-column 3, lines 14) and

Managing the preparation of the presentation by including one or more of the proposed contributions, selected by the controller in the presentation. (see Tanenbaum column 2, lines 25-column 3, lines 14)

It would have been obvious to an artisan at the time of the invention to include Tanenbaum's teaching with method of Plantz to provide users with the ability to synchronize their work in real-time.

Claims 39-42 and 44 are cancelled.

As per claims 43, and 45 they are of similar scope to claims 6 and 8 respectively and are rejected under the same rationale respectively (see rejections above), including the additional subject matter in claim 38 (see rejection above).

Claims 46-52 are cancelled.

As per claim 53, Plantz, Dabney and Tanenbaum teach the claim 38. Tanenbaum further teaches the controller terminal comprises:

A controller terminal operable to retrieve a selected contribution from the respective storage device during display of the prepared presentation. (see Tanenbaum column 2, lines 25-column 3, lines 14)

Dabney teaches the display of prepared presentation to third party. (see Dabney, figure 1, column 5, lines 23-62; Manager is a third party.)

Claims 54-70 are cancelled.

With respect to claim 71, it is similar in scope to claim 1. (see rejection above)

Claims 72 and 73 are cancelled.

As per claim 75, Plantz, Dabney, and Tanenbaum teach the claim 74. Dabney further teaches further comprises:

the controller selecting one or more but not all of the proposed contribution during the preparation of the presentation. (see Tanenbaum column 2, lines 25-column 3, lines 14)

As per claims 74 and 76 they are of similar scope to claims 6, 8 respectively and are rejected under the same rationale respectively (see rejections above), including the additional subject matter in claim 71 (see rejection above).

Claims 77-94 are cancelled.

As per claim 95, Plantz teaches a method for preparing a script for a presentation, comprising:

Connecting a plurality of geographically dispersed potential contributors. (see Plantz, column 4, lines 64 – column 5, lines 4);

Streaming elements of the script from the control operator to the contributors; (see Plantz, column 7, lines 52 – 55)

However Plantz fails to teach the controller managing the preparation of the presentation by selectively including one or more but not all of the proposed contributions in the presentation.

Dabney teaches making the proposed contributions available for concurrent viewing, editing and comment by the contributors; (figure 1, column 5, lines 23-62) and

The controller managing the preparation of the presentation by selectively including one or more but not all of the proposed contributions in the presentation. (see Dabney, figure 1, column 5, lines 23-62)

It would have been obvious to an artisan at the time of the invention to include Dabney's teaching with method of Plantz to the manager to catch any last minute error.

However Plantz fails to teach a control operator through a network to create a virtual scripting office for the joint preparation in real time of a script for a presentation by the control operator and the potential contributors.

accepting modifications to the script proposed by more than one of the contributors at the same time as temporary script elements; and

Tanenbaum teaches a control operator through a network to create a virtual scripting

office for the joint preparation in real time of a script for a presentation by the control operator and the potential contributors.

accepting modifications to the script proposed by more than one of the contributors at the same time as temporary script elements; (see Tanenbaum column 2, lines 25-column 3, lines 14) and

It would have been obvious to an artisan at the time of the invention to include Tanenbaum's teaching with method of Plantz to provide users with the ability to synchronize their work in real-time.

As per claim 97, Plantz and Tanenbaum teaches claim 95, Tanenbaum further teaches retrieval of one or more script element, from the URL address provided in the script, during the live presentation. (see Tanenbaum column 2, lines 25-column 3, lines 14)

Dabney teaches the display of prepared presentation to third party. (see Dabney, figure 1, column 5, lines 23-62; Manager is a third party.)

Claims 98-101 were cancelled.

#### *Response to Argument*

Applicant's arguments with respect to claims 1, 6, 8, 38, 43, 45, 53, 71, 74-76, 95, and 97 have been considered but are deemed to be moot in view of the new grounds of rejection.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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